

2. Identification

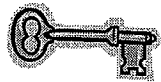
Each local education agency liaison for homeless children and youths, designated under paragraph (1)(j)(ii), shall ensure that –

- *Homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies:*

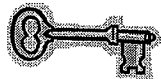
[722(g)(6)(A)(i)]

2. Identification

Determinations of homelessness should be made on a case-by-case basis.



Permanence/Transition



Hardship



Context

The term 'homeless children and youth' (A) means individuals who lack a fixed, regular, and adequate nighttime residence.

[725(2)(A)]

- Fixed – one that is stationary, permanent, and not subject to change
- Regular – one which is used on a regular (i.e. nightly) basis
- Adequate – one that is sufficient for meeting both the physical and psychological needs typically met in home environments.

2. Identification

The term 'homeless children and youth' includes –

- (i) Children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or similar reason; are living in motels, hotels, trailer parks, or camp grounds due to lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement.*
- (ii) Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.*
- (iii) Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and*
- (iv) Migratory children who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).*

[725(2)(B)(i-iv)]

2. Identification

Unaccompanied Youth

The term 'unaccompanied youth' includes a youth not in the physical custody of a parent or guardian.

[725(6)]

■ *Examples*

- Runaways living in shelters, cars, on the streets, or in other inadequate housing.
- Children and youth denied housing by their families.
- School-age unwed mothers living in homes for unwed mothers because they have no other housing available.

Undocumented children & youth

Undocumented children and youth have the same right to attend public primary and secondary schools as U.S. citizens and are covered by the McKinney-Vento Act to the same extent as other children and youth.

Plyler v. Doe

[457 U.S. 202 (1982)]

2. Identification

Identification Strategies

- Coordinate with **community service agencies**, such as shelters, soup kitchens, food banks, street outreach teams, drop-in centers, welfare departments, housing departments, public health departments, and faith-based organizations.
- Provide **outreach materials and posters** where there is a frequent influx of low-income families and youth in high-risk situations, including motels and campgrounds.
- Develop relationships with **truancy officials** and/or other attendance officers.
- Provide **awareness activities for school staff** (registrars, secretaries, school counselors, school social workers, school nurses, teachers, bus drivers, administrators, etc.).
- Make special efforts to **identify preschool children**, including asking about the siblings of school-age children.
- **Avoid using the word "homeless"** in initial contacts with school personnel, families, or youth.

Who are Homeless Children and Youth?

Before schools can be certain they are complying with legislation related to educating students experiencing homelessness, they must understand who can be considered homeless. The McKinney-Vento Act (Section 725) defines "homeless children and youth" (school-age and younger) as:

- Children and youth who lack a fixed, regular, and adequate nighttime residence, including children and youth who are:
 - Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason.
 - Living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations.
 - Living in emergency or transitional shelters.
 - Abandoned in hospitals.
 - Awaiting foster care placement.
- Children and youth who have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.
- Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.
- Migratory children who qualify as homeless because they are living in circumstances described above.
- The term *unaccompanied youth* includes a youth not in the physical custody of a parent or guardian. This would include runaways living in runaway shelters, abandoned buildings, cars, on the streets, or in other inadequate housing; children and youth denied housing by their families (sometimes referred to "throwaway children and youth"); and school-age unwed mothers living in homes for unwed mothers because they have no other housing available.

In determining whether or not a child or youth is homeless, consider the *relative permanence of the living arrangements*. Determinations of homelessness should be made on a case-by-case basis.

Common Signs of Homelessness

Lack of Continuity in Education

- Attendance at many different schools
- Lack of records needed for enrollment
- Gaps in skill development

Poor Health/Nutrition

- Lack of immunizations and/or immunization records
- Unmet medical and dental needs
- Chronic hunger (may hoard food)
- Fatigue (may fall asleep in class)

Transportation and Attendance Problems

- Erratic attendance or tardiness
- Inability to contact parents
- Numerous absences
- Avoidance of class field trips

Poor Hygiene

- Wearing the same clothes for several days
- Lack of shower facility or washers to stay clean

Not Ready for Class

- Lack of basic school supplies
- Concern for the safety of belongings
- Incomplete or missing homework

Social and Behavioral Cues

- Change in behavior
- "Old" beyond years
- Protective of parents
- Poor/short attention span
- Poor self-esteem
- Difficulty or avoidance of making friends
- Difficulty trusting people
- Need for immediate gratification

Reactions/Statements by Parent, Guardian, or Child

- Anger or embarrassment when asked about current address
- Mention of staying with grandparents, other relatives, friends, or in a motel
- Comments such as:
 - "I don't remember the name of my previous school."
 - "We've been moving around a lot."
 - "Our address is new; I can't remember it" (may hide lack of a permanent address).
 - "We're going through a bad time right now."

Note: These are general guidelines. There is significant variability among the school-age homeless population.

Warning signs adapted from flyers developed by the Illinois and Pennsylvania Departments of Education.

NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

Determining Homelessness by the Definition¹

Experience has shown that, despite its specificity, the McKinney-Vento Act's definition of homelessness leaves us with some gray areas. State Coordinators, liaisons and others need a process to resolve those gray areas. This document suggests some potential elements of such a process.

The McKinney-Vento Act's definition of "homeless children and youths" provides the following general framework: individuals who lack a fixed, regular, and adequate nighttime residence. The law then lists several situations which fit within that framework. This list is not exclusive; rather, it is meant to address some of the more common situations of homelessness. Migrant children who are living in one of the described situations are also considered homeless under the Act.

It cannot be emphasized enough that determining whether a particular child or youth fits the definition of homeless is a case-specific inquiry. General answers based on incomplete information or hypothetical situations will often be legally incorrect.

STEP 1

Is the child or youth covered by subparagraph (B)(i) of the definition?

Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;

Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;

Living in emergency or transitional shelters;

Abandoned in hospitals; or

Awaiting foster care placement.

If yes, apply the McKinney-Vento Act.

If no, go to Step 2.

If unclear, see if Step 4 can help, and/or seek advice from your attorney, the U.S. Department of Education, your peers, or other appropriate individuals.

To further define "awaiting foster care placement", collaborate with child welfare officials, attorneys and other community members to establish guidelines.

¹ Drafted by the National Law Center on Homelessness & Poverty, March 2003. Address questions/comments to Joy Moses, at jmoses@nlchp.org. This information is not offered as legal advice and should not be used as a substitute for seeking professional legal advice. It does not create an attorney-client relationship with you.

STEP 2

Is the child or youth covered by subparagraph (B)(ii) of the definition?

Has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

If yes, apply the McKinney-Vento Act.

If no, go to Step 3.

If unclear, see if Step 4 can help, and/or seek advice from your attorney, the U.S. Department of Education, your peers, or other appropriate individuals.

STEP 3

Is the child or youth covered by subparagraph (B)(iii) of the definition?

Living in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar setting.

If yes, apply the McKinney-Vento Act.

If no, go to Step 4.

If unclear, see if Step 4 can help, and/or seek advice from your attorney, the U.S. Department of Education, your peers, or other appropriate individuals.

To further define "substandard housing", collaborate with attorneys and other community members to establish guidelines sensitive to community standards and cultural norms.

STEP 4

Does the child or youth lack a fixed, regular, and adequate nighttime residence?

If yes, apply the McKinney-Vento Act.

If no, don't apply the McKinney-Vento Act.

If unclear, see if the definitions below can help, and/or seek advice from your attorney, the U.S. Department of Education, your peers, or other appropriate individuals.

a) FIXED²

*Securely placed or fastened.
Not subject to change or fluctuation.*

(Merriam-Webster's Collegiate Dictionary, Tenth Edition)

A fixed residence is one that is stationary, permanent, and not subject to change.

(e.g. Arizona, Massachusetts and Michigan McKinney-Vento State Plans, 2002)

b) REGULAR³

*Normal, standard.
Constituted, conducted, or done in conformity with established or prescribed usages, rules, or discipline.
Recurring, attending, or functioning at fixed or uniform intervals.*

(Merriam-Webster's Collegiate Dictionary, Tenth Edition)

Consistent.

(Ballentine's Law Dictionary, 3rd Edition)

A regular residence is one which is used on a regular (i.e., nightly) basis.

(e.g. Arizona, Massachusetts and Michigan McKinney-Vento State Plans, 2002)

² Other informative definitions include:

Inhabitant--One, who, although he may not be a citizen, dwells or resides in a place permanently, or has a *fixed* residence therein, as distinguished from an occasional lodger or visitor.

Dwell--To inhabit; to reside; to have a *fixed* place of residence.

Domicil--The place where a person has his true *fixed* permanent home and principal establishment, and to which place he has, whenever he is absent, the intention of returning, and from which he has no present intention of moving.

Ballentine's Law Dictionary, 3rd Edition (emphases added).

³ Other informative definitions include:

Habitual--By habit; constant; customary, accustomed, usual; common; ordinary; *regular*; familiar.

Ballentine's Law Dictionary, 3rd Edition (emphasis added).

c) ADEQUATE

*Sufficient for a specific requirement.
Lawfully and reasonably sufficient.*

(Merriam-Webster's Collegiate Dictionary, Tenth Edition)

Fully sufficient; equal to what is required; lawfully and reasonably sufficient.

(Ballentine's Law Dictionary, 3rd Edition)

An adequate residence is one that is sufficient for meeting both the physical and psychological needs typically met in home environments.

(e.g. Arizona, Massachusetts and Michigan McKinney-Vento State Plans, 2002)

The McKinney-Vento Act
42 U.S.C. §§11431 et seq.

"SEC. 725. DEFINITIONS.

'For purposes of this subtitle:...

'(2) The term 'homeless children and youths'--

'(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)); and

'(B) includes--

'(i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

'(ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C));

'(iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

'(iv) migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii)."

NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

"Awaiting Foster Care Placement" Under the McKinney-Vento Act¹

The McKinney-Vento Act guarantees access to school and a meaningful opportunity for educational success to children and youth covered by the Act.² The Act covers children and youth "who lack a fixed, regular, and adequate nighttime residence", specifically including children and youth "awaiting foster care placement." 42 U.S.C. §11434A(2)(A) and (B)(i). Although the McKinney-Vento Act clearly covers children and youth awaiting foster care placement, it does not define that phrase.³ This memo seeks to provide a definition that is consistent with both the letter and the intent of the law.

Attorneys and other advocates who work in the child welfare field are most likely aware that regulations of the U.S. Department of Health and Human Services (USHHS) define the term foster care very broadly. USHHS regulations define "foster care" as follows:

"24-hour substitute care for children placed away from their parents or guardians and for whom the State agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and preadoptive homes." 45 C.F.R. §1355.20.

Essentially, this definition includes every possible out-of-home placement. Under this definition, virtually any child who has been removed from the home is in foster care, regardless of the character of the placement. It is hard to imagine any circumstance in which a child or youth would be considered to be "awaiting foster care placement."

This definition obviously cannot be applied to the McKinney-Vento Act, as such application would render the statutory phrase "awaiting foster care placement" meaningless. Congress intended the Act to cover a set of children in state custody that Congress considered to be awaiting foster care placement. Further examination of

¹ National Law Center on Homelessness & Poverty, 2003. Address questions/comments to Joy Moses, jmoses@nlchp.org. This information is not offered as legal advice and should not be used as a substitute for seeking professional legal advice. It does not create an attorney-client relationship with you.

² For extensive information about the McKinney-Vento Act, visit www.nlchp.org/FA_Education.

³ The U.S. Department of Education's (USDE) recent Guidance addressed this issue only briefly, noting that "children and youth in foster care are *not* considered homeless." March 2003 Draft Non-Regulatory Guidance, page 27 (emphasis in original). The USDE's 1995 Guidance also does not clarify this issue. The 1995 Guidance states that "in general, children and youth in foster homes are not considered homeless," with the caveat that "children placed in foster homes for lack of shelter space, however, should be considered homeless." June 1995 Preliminary Guidance, page 21. However, these principles do not help determine the meaning of "awaiting foster care placement."

USHHS' regulations and the relative purposes of the McKinney-Vento Act and the Adoption and Safe Families Act clarifies that the U.S. Department of Education (USDE) must interpret the term "foster care" differently than USHHS.

Agencies must interpret statutory terms in such a way as to meet the purpose and intent of the legislation. To this end, terms are often defined differently by different agencies, or even different branches of the same agency. For example, various federal agencies define the term "homeless" quite differently. Even within USDE, terms such as "parent" and "free appropriate public education" have different definitions in different contexts.

USHHS has enacted a broad definition of foster care in an effort to cast a wide net within the Adoption and Safe Families Act, to extend statutory and regulatory protections to as many children as appropriate. This is commendable and seems analogous to the intent behind the McKinney-Vento Act's broad definition of "homeless children and youth." USHHS' regulations are designed to protect the physical, mental and emotional health and safety of children in state custody. Many provisions of the regulations apply only to children in "foster care;" therefore, the regulations define foster care broadly.⁴

USHHS' broad definition of foster care fits perfectly within the intent and purpose of the Adoption and Safe Families Act. However, it does not make sense in the context of the McKinney-Vento Act. As explained above, it would render meaningless the Act's specific inclusion of children "awaiting foster care placement." It is a well-established canon of construction that a statute cannot be interpreted in such a way as to render statutory language meaningless.⁵ Further, the same concerns for health and well-being that led USHHS to establish a broad definition of "foster care" compel USDE to adopt a more narrow definition. USDE's primary goal is improving academic achievement. Therefore, USDE's interpretation of "awaiting foster care placement" should focus on that goal, within the context of the McKinney-Vento Act.

When a social services agency removes a child from home, the child necessarily loses his or her residential stability. The Adoption and Safe Families Act requires that

⁴ For example, the following regulatory protections apply to children in foster care:

- Permanency hearings [45 CFR 1355.34(c)(2)(iii)]
- On-site reviews of child and family services by Federal and State reviewers [45 CFR 1355.33(c)(1)]
- Requirement for reasonable efforts to return children home or place them in permanent placements [45 CFR 1355.34(b)(2)(ii)(G)]
- Quality assurance systems and provision of quality services that protect safety and health [45 CFR 1355.54(c)(3)]
- Compliance with safety requirements [45 CFR 1355.34(c)(7)(iii)]
- Data collection requirements [45 CFR 1355.40; data elements for foster care are specifically enumerated in Appendix A]
- Case plans [45 CFR 1356.21(g)]
- Federal reviews of State compliance with eligibility provisions as they apply to foster care providers [45 CFR 1356.71]
- The availability to states of federal financial participation (FFP) in their child welfare systems. [FFP is available for foster care maintenance payments made on behalf of children eligible for foster care. 45 CFR 1355.20 and 1356.10 et seq.]

⁵ Canons of construction are established legal rules for interpreting statutory language.

the social services agency make efforts to find a permanent placement for the child. That permanent placement may be reunification with parents, adoption, legal guardianship, placement with a relative, or another planned, permanent living arrangement. Sometimes a child moves into permanent placement immediately after removal from the home. However, it is not uncommon for children to be placed in temporary placements, because more permanent placements are not available. Those temporary placements may be short-term or long-term, depending on the placements that are available and the specific situations of the children.

The McKinney-Vento Act does not apply to children who have achieved permanency in their living situation. The Act is also unlikely to apply to children in long-term placements, who have not yet achieved permanence. However, it does apply to children and youth "who lack a fixed, regular, and adequate nighttime residence." That general definition, combined with the specific inclusion of children "awaiting foster care placement," must be interpreted as applying the McKinney-Vento Act to children in any interim placement. In general, interim placements include any living arrangement which is not intended to be long-term. Rather, the social services agency intends these placements to be shorter-term, interim measure while appropriate long-term accommodations are located. Interim placements are not fixed, regular and adequate. Children in interim placements are waiting for a fixed, regular and adequate accommodation. They are the population that should be considered to be "awaiting foster care placement." Children in interim placements are also most likely to encounter the kind of barriers to educational access and success that the McKinney-Vento Act is designed to eliminate. They can benefit most from the Act's protections.

The intended duration of a placement can be determined in several ways. Liaisons should be able to obtain this type of information from departments of social services/human services, local juvenile/family courts, court-appointed attorneys/advocates, and other personnel involved in the child's case. Reference to the child's permanency plan can also be informative. Due to the nature of social service placements, it will often be impossible to predict how long a child may actually remain in a placement, or how temporary or permanent that placement may be. However, until a determination is made that the child's placement is appropriate and intended to be long-term, the child should be considered to be awaiting foster care placement.

As with all determinations of McKinney-Vento eligibility, determinations of whether a child is awaiting foster care placement must be made on a case-by-case basis. However, the following principles can guide this case-specific inquiry.

The phrase "awaiting foster care placement" is likely to include children in the following types of placements⁶:

- Shelters
- Emergency / interim / short-term foster homes
- Group homes and residential placements that are not intended to be long-term

⁶ It should be noted that different states often use different terminology to refer to the same type of placement. I have tried to use descriptive terms in this memo to make it applicable to all jurisdictions, but some interpretation may be necessary when applying the terms to particular placements.

- Evaluation centers, or placements for the sole purpose of evaluation

Placements that are unlikely to be covered by the McKinney-Vento Act include:

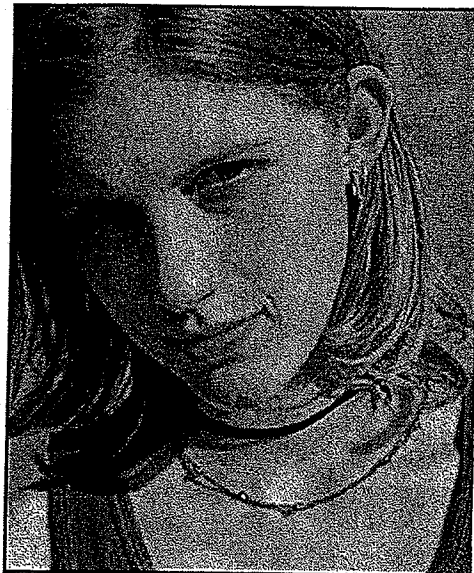
- Long-term foster homes
- Pre-adoptive foster homes
- Long-term kinship care
- Group homes and residential placements, if a determination has been made that the placement is appropriate and long-term

In sum, applying the McKinney-Vento Act to children and youth in interim placements represents sound educational policy. Homeless children and those in interim social services placements face virtually identical barriers to school stability and access.⁷ These barriers severely limit children's ability to succeed academically.⁸ The McKinney-Vento Act permits children to enroll in school immediately, while documents typically required for enrollment are obtained. The Act also allows children to remain in one school despite their forced residential mobility, to the extent that is feasible. These protections ensure that children and youth are able to continue progressing in school while their housing is unstable, advancing their academic achievement and social-emotional development. The McKinney-Vento Act is a proven achievement strategy that assists children, schools and social services agencies in reaching their educational goals. Therefore, the inclusion within the McKinney-Vento Act of children and youth in interim placements is sound educational and social service policy. It is consistent with the plain language of the statute and the intent of Congress. Thus, "awaiting foster care placement" should be interpreted to include all children and youth in interim placements.

⁷ "Children in foster care drop out of school at twice the rate of other children, according to a 1997 study. Researchers generally attribute this to repeated transfers from one foster home to the next resulting in multiple school changes, where valuable credits, school records and social networks are lost and curriculums and standards differ." Casey Family Programs, *Education and Foster Care*, October 2002. Homeless children and those awaiting foster care placement also encounter similar difficulties producing enrollment documents. "Complying with initial enrollment requirements, and gaining access to prior school records, were considered the biggest problem areas" to school access for foster children by school districts and social services agencies in recent Pennsylvania study. Education Law Center, *Lost in the Shuffle Revisited*, January 2002.

⁸ For example, a study in the state of Washington found that foster youth scored an average of 15 to 20 percentile points below non-foster youth on statewide achievement tests. "Even after statistically controlling for a variety of factors, a youth that enters foster care is likely to have lower test scores and graduation rates." Mason Burley and Nina Halpern, *Educational Attainment of Foster Youth*, November 2001.

Unaccompanied Homeless Youth



Unaccompanied youth include young people who have run away from home, been thrown out of their homes, and/or been abandoned by parents or guardians. These young people are separated from their parents for a variety of reasons. Over half report being physically abused at home, and over one-third report sexual abuse.¹ Over two-thirds report that at least one of their parents abuses drugs or alcohol.² For many of these young people, leaving home is a survival issue. Other youth are thrown out of their homes because they are pregnant, gay or lesbian, or because their parents believe they are old enough to take care of themselves. Over half of youth living in shelters report that their parents either told them to leave or knew they were leaving and did not care.³ Once out of the home, unaccompanied youth are frequently victimized. As many as half have been assaulted or robbed; and one in ten runaways reports being raped.⁴

Who is homeless?

(McKinney-Vento Homeless Assistance Act of 2001 – Title X, Part C of the No Child Left Behind Act – Sec 725)

The term "homeless children and youth"–

(A) means individuals who lack a fixed, regular, and adequate nighttime residence...; and

(B) includes –

(i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or similar reason; are living in motels, hotels, trailer parks, or camping grounds due the lack of alternative accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

(ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings...

(iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus train stations, or similar settings; and

(iv) migratory children who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

School may be the only safe and stable environment available to unaccompanied youth. Yet unaccompanied youth often face unique barriers to enrolling and succeeding in school.

Without a parent or guardian to advocate for them and exercise parental rights, they are sometimes denied enrollment and remain out of school for extended periods of time. Unaccompanied youth also may not understand their educational rights or know how to acquire this information.

The Role of the McKinney-Vento Act

The education provisions of the McKinney-Vento Act, which are now incorporated within No Child Left Behind, ensure educational rights and protections for children and youth experiencing homelessness. The law directly applies to homeless unaccompanied youth who also receive some special attention within the Act.

Key Provisions

- ❑ The term "unaccompanied youth" includes youth in homeless situations who are not in the physical custody of a parent or guardian.
- ❑ Unaccompanied youth have the same rights as other students experiencing homelessness. Specifically, they have the right to:

(continued on next page)

- Remain in their school of origin (to the extent feasible)
- Transportation to and from the school of origin
- Immediately enroll in a new school serving the area in which they are currently living even if they don't have typically required documents (e.g. proof of guardianship)
- Equal access to programs and services such as gifted and talented education, special education, vocational education, and English Language Learner services.
- Each local education agency (LEA), otherwise known as school district, must appoint a homeless liaison, whose duties include:
 - Helping unaccompanied youth choose and enroll in a school, after considering the youth's wishes.
 - Informing unaccompanied youth of their rights to transportation and assisting youth in accessing transportation.
 - Providing unaccompanied youth with notice of their right to appeal school or school district decisions and ensuring that youth are immediately enrolled in school pending resolution of disputes.
- School personnel must be made aware of the specific needs of runaway and homeless youth.
- McKinney-Vento state plans must:
 - address problems caused by enrollment delays due to guardianship issues.
 - describe how homeless youth and youth separated from the public schools are identified and accorded equal access to appropriate secondary education and support services.
- McKinney-Vento subgrants can be used for services and assistance to attract, engage, and retain unaccompanied youth in public school programs and services.

See other issue briefs for more information on school selection, enrollment, transportation, disputes, and subgrants.

(See legislative references for the text of the law.)

Strategies for Implementation

Schools and districts can adopt various policies and practices to successfully and comprehensively address the needs of unaccompanied homeless youth. What follows are ideas focused on some common categories of concern.

Identifying Youth

- Develop collaborative relationships with local shelters, transitional living programs, street outreach teams, and other service providers for unaccompanied youth.
- Train LEA homeless liaisons and all school enrollment staff, secretaries, school counselors, principals, and teachers on the definition of unaccompanied youth. Highlight the warning signs of homelessness (e.g. frequent absences, declines in academic achievement, disengagement, stress) and encourage staff to regularly talk to students about what's going on in their lives.
- Be creative and utilize new techniques such as involving social workers, surveying peers, and using enrollment questionnaires.
- In employing different methods of identification, always remember that youth may be living in a variety of situations (e.g. shelters, doubled-up, in cars, on the streets, etc.) and that they deserve to have their privacy and dignity respected.

Disseminating Information

- ❑ Develop materials such as posters, brochures, pamphlets, and fliers that explain McKinney-Vento rights information to youth. Make these items available in school attendance offices and distribute them to youth service providers.
- ❑ Train school and school district personnel on the education rights of unaccompanied youth. Require them to distribute informational materials and discuss their contents with the unaccompanied youth they identify.

Developing Enrollment Procedures

- ❑ Revise LEA policies immediately to accommodate unaccompanied youth and comply with the McKinney-Vento Act.
- ❑ Decide who will be allowed to enroll youth and assist with basic educational needs. One option is to allow youth to enroll themselves while having the school district homeless liaison monitor academic progress and assist youth in making basic educational decisions. Another common option is to try to identify an adult in the youth's life who can act as a caretaker. Schools and districts may decide to ask such adults to fill out caretaker forms establishing their responsibilities and providing their contact information.
- ❑ Ensure that the enrollment staff in all schools is familiar with McKinney-Vento requirements and procedures related to enrolling unaccompanied youth.
- ❑ Train school and school district staff to distinguish between "throwaway" and runaway youth. If your state has runaway reporting requirements designed to reconnect youth with their parents, try to avoid the trauma of police arrest by developing youth-centered approaches of achieving family reunification. For instance, try to get youth to call home or consent to school personnel calling their parents and letting them know where they are. Refer youth to federally-financed youth shelters or other programs that focus on reconnecting runaways and families. Develop partnerships with your local social services agency and refer youth to that agency first rather than to law enforcement.
- ❑ Ensure that all of the above enrollment procedures are carefully crafted so they do not create further barriers or delay enrollment. For example, policy statements should clarify that identifying a caregiver is not a prerequisite to enrollment.

Ensuring Appropriate Educational Services

- ❑ Revise LEA policies, such as those related to attendance and credit accrual, to ensure that they remove barriers to academic success for unaccompanied youth.
- ❑ Revise or develop LEA policies to address issues related to who signs for unaccompanied youth to participate in field trips or extracurricular activities. Work with legal staff to eliminate any fears about potential liability.
- ❑ Provide unaccompanied youth the opportunity to enroll in diversified learning opportunities such as vocational education, credit-for-work programs, and flexible school hours, yet ensure that they are integrated with the mainstream school environment, including extracurricular activities, as much as possible.
- ❑ Maintain a listing of available surrogate parents to assist unaccompanied youth with their special education needs.
- ❑ Develop strategies to continue educating students who have been suspended or expelled from school.

Assisting With Non-Educational Needs

- ❑ Provide a "safe place" at school that includes trained mentors, school counselors, or social workers that unaccompanied youth can access as needed.
- ❑ Contact relevant social service agencies and gather information, pamphlets, and applications concerning valuable services such as food stamps. Make such materials available to identified unaccompanied youth.
- ❑ Meet with and coordinate with relevant social service and medical agencies to develop policies and procedures to facilitate an unaccompanied youth's access to services and treatment with sensitivity and urgency.
- ❑ Develop a list of referrals that includes shelters, youth hotlines, and other youth services providers. Various national organizations and agencies are useful resources for youth and those trying to assist them:

Covenant House
Runaway Hotline: 1-800-999-9999 (24 hrs)
www.covenanthouse.org

National Network for Youth
202-738-7949
www.nn4youth.org

National Runaway Switchboard
Runaway Hotline: 1-800-621-4000 (24 hrs)
www.nrscrisisline.org

Stand Up for Kids
1-800-365-4KID
www.standupforkids.org

Legislative References

"The term 'unaccompanied youth' includes a youth not in the physical custody of a parent or guardian." McKinney-Vento Act Sec. 725(6).

"[T]he State and its local educational agencies will adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin..."

McKinney-Vento Act Sec. 722(g)(1)(J)(iii)

"Each local educational agency liaison... shall ensure that

... (vii) ... any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin as described in (1)(J)(iii), and is assisted in accessing transportation to the school that is selected under paragraph (3)(A)."

McKinney-Vento Act Sec. 722(g)(6)(A)

"In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—

... (iii) in the case of an unaccompanied youth, ensure that the homeless liaison designated under paragraph (1)(J)(ii) assists in placement or enrollment decisions under this subparagraph, considers the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E)."

McKinney-Vento Act Sec. 722(g)(3)(B)

"If a dispute arises over school selection or enrollment in a school—

... (iv) in the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute."

McKinney-Vento Act Sec. 722(g)(3)(E)

"Such plan shall include the following:

(D) A description of programs for school personnel (including principals, attendance officers, teachers, enrollment personnel, and pupil services personnel) to heighten the awareness of such personnel of the specific needs of runaway and homeless youths...

(F) A description of procedures that ensure that—

... (ii) homeless youths and youths separated from the public schools are identified and accorded equal access to

appropriate secondary education and support services.

- (H) Strategies to address other problems with respect to the education of homeless children and youths, including problems resulting from enrollment delays that are caused by...

(iv) guardianship issues...

McKinney-Vento Act Sec. 722(g)(1)

"In determining the quality of applications under paragraph (1), the State educational agency shall consider the following:
(G) Such other measures as the State educational agency considers indicative of a high-quality program, such as the extent to which the local educational agency will provide case management or related services to unaccompanied youths."

McKinney-Vento Act Sec. 723(c)(3)(G)

"A local educational agency may use funds awarded under this section for activities that carry out the purpose of this subtitle, including the following: (7) The provision of services and assistance to attract, engage and retain homeless children and youths, and unaccompanied youths, in public school programs and services provided to nonhomeless children and youths."

McKinney-Vento Act Sec. 723(d)(7)

This document was developed collaboratively by:

National Association for the Education of Homeless Children and Youth (NAEHCY)
202-364-7392

www.naehcy.org

National Center for Homeless Education (NCHE)
800-308-2145

www.serve.org/nche/

National Law Center on Homelessness and Poverty (NLCHP)
202-638-2535

www.nlchp.org

Endnotes

¹ MacLean, M. G., Embry, L. E., & Cauce, A. M. (1999). Homeless adolescents' paths to separation from family: Comparison of family characteristics, psychological adjustment, and victimization. *Journal of Community Psychology*, 27, 183.

² Id.

³ MacLean, M. G., Embry, L. E., & Cauce, A. M. (1999). Homeless adolescents' paths to separation from family: Comparison of family characteristics, psychological adjustment, and victimization. *Journal of Community Psychology*, 27, 183.

⁴ MacLean et al., supra note 1, 183.



Every state is required to have a coordinator for the education of homeless children and youth, and every school district is required to have a liaison for homeless students. These individuals will assist you with the implementation of the McKinney-Vento Act. To find out who your state coordinator is, visit the NCHE website at www.serve.org/nche.

For further information on the McKinney-Vento Act and resources for implementation, call the NCHE HelpLine at 800-308-2145 or e-mail homeless@serve.org.

Local Contact Information